

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/754,921 Confirmation No. 7604
Applicant : Ronald F. WELCH et al.
Filed : January 9, 2004
Art Unit : 1762
Examiner : D.P. Turocy
Docket No. : 246-99-029RE 1246

PETITION UNDER 37 C.F.R. §1.47

BOX AMENDMENT
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

In accordance with the provisions of 37 C.F.R. 1.47(a), applicant Robert J. Saccomanno, through his attorney, hereby petitions to file the above identified application without the Declaration of joint inventor Mr. Ronald F. Welch on account of Mr. Welch's unavailability to execute a Declaration in the application.

A Declaration setting out the pertinent facts in accordance with the provision of Rule 1.47(a) and the petition fee of \$200.00 set forth in 37 C.F.R. 1.17(g) are enclosed herewith.

As set forth in the enclosed declarations, diligent attempts were made to contact the named inventor and ex-employee of Honeywell International Inc., Mr. Ronald F. Welch, concerning this application. Mr. Welch has neither responded to communications nor returned a signed declaration.

Mr. Welch's last known address, as set forth on the declaration, is
1544 W. Avenue H-11
Lancaster, CA 93534

A Declaration of Mr. David K. Benson, who has first-hand knowledge of the diligent efforts and failure to obtain the Declaration of joint inventor Ronald F. Welch, are submitted herewith.

Favorable consideration of the present petition is respectfully requested.

Respectfully submitted,
INGRASSIA FISHER & LORENZ

Dated: March 6, 2007

/DAVID K. BENSON/

David K. Benson
Reg. No. 42,314

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DECLARATION OF DAVID K. BENSON

I, David K. Benson, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1000 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and of any patent issuing therefrom.

1) I am an attorney for the law firm of Ingrassia, Fisher & Lorenz, 7150 E. Camelback Road, Suite 325, Scottsdale, Arizona 85251 ("IF&L") which acts as outside counsel for client Honeywell International Inc. of Morristown, NJ ("Honeywell"). Part of my responsibility is to work with our patent paralegals to obtain signatures of Honeywell inventors on declarations in Honeywell's patent applications prepared by IF&L.

2) I learned that Ronald F. Welch, Jr. is no longer an employee and I was copied on, and then participated in, a string of email messages (attached hereto as Appendix I) sent between November 10, 2006 and February 22, 2007 to and from co-inventor Robert Saccomanno, Honeywell counsel Kurt Luther, and Honeywell Paralegal Jenny Larsen regarding efforts to obtain Mr. Welch's current mailing address in order to obtain Mr. Welch's signature for a combined Declaration and Power of Attorney for a Substitute Reissue Oath/Declaration and Power of Attorney by Inventors.

3) Upon learning that Mr. Welch's newest address is not known, and being of the understanding that Mr. Welch had relocated to California upon leaving employment at Honeywell, I performed a telephone search of the name "Ron Welch" using the website

<http://people.yahoo.com>, and obtained a listing of telephone numbers (attached hereto as Appendix II). I called all the telephone numbers that might belong to Mr. Welch, but was unable to reach Mr. Welch by telephone or learn of his whereabouts.

4) On February 22, 2007, I sent a package containing a copy of the combined Declaration and Power of Attorney papers to Mr. Welch to his last known address: 1544 W. Ave H-11, Lancaster, CA 93554 USA via Federal Express. The package was returned to me at IF&L on February 27, 2007 indicating that delivery attempts were made, but the package was unclaimed (see package return information attached hereto as Appendix III).

5) I am left to conclude that joint inventor Mr. Welch is unavailable to sign the combined Declaration and Power of Attorney for a Substitute Reissue Oath/Declaration and Power of Attorney by Inventors.

Date: March 5, 2007

A handwritten signature in black ink, appearing to read 'DK Benson', is written over a horizontal line.

David K. Benson

David Benson

From: David Benson
Sent: Thursday, February 22, 2007 10:47 AM
To: 'Luther, Kurt'
Subject: RE: 246-99-029RE 1246

Kurt,
We are sending by certified mail the substitute oath/declarations to the inventors' last known addresses, so we can make a showing under 1.47 that we have diligently attempted to obtain their signatures. I hope that this is not a sensitive issue for the family of Gary West, as he has probably passed away. If a representative from his family does contact us, we will try to work with that person to get a signature on the oath/declaration.
Thank you,
David

David K. Benson
Registered Patent Attorney
Ingrassia, Fisher & Lorenz PC
7150 E. Camelback Road
Suite 325
Scottsdale, AZ 85251

480-385-5060 (work)
480-385-5061 (fax)

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From: Luther, Kurt [mailto:Kurt.Luther@honeywell.com]
Sent: Friday, February 02, 2007 2:00 PM
To: David Benson; Larsen, Jenny (NM75)
Subject: RE: 246-99-029RE 1246

David - we have not had any luck in finding new contact info. Please proceed with the 1.47.

Thanks,
Kurt

From: David Benson [mailto:dbenson@ifllaw.com]
Sent: Friday, February 02, 2007 11:15 AM
To: Luther, Kurt; Larsen, Jenny (NM75)
Subject: RE: 246-99-029RE 1246

Kurt,
Have you had any luck locating Ron Welch? If not, we should get the 1/47 affidavits for Ron Welch and Gary West prepared and filed as soon as possible.
Best regards,
David

2/22/2007

David K. Benson
Registered Patent Attorney
Ingrassia, Fisher & Lorenz PC
7150 E. Camelback Road
Suite 325
Scottsdale, AZ 85251

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From: David Benson
Sent: Tuesday, January 02, 2007 2:49 PM
To: 'Luther, Kurt'
Subject: RE: 246-99-029RE 1246

Kurt,
If we need to proceed under section 1.47 after making reasonable efforts to contact Ron Welch, I agree that we should do so. I will wait to find out if you have any other contact information for him.
Thank you,
David

David K. Benson
Registered Patent Attorney
Ingrassia, Fisher & Lorenz PC
7150 E. Camelback Road
Suite 325
Scottsdale, AZ 85251

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From: Luther, Kurt [mailto:Kurt.Luther@honeywell.com]
Sent: Tuesday, January 02, 2007 8:59 AM
To: David Benson
Subject: RE: 246-99-029RE 1246

David - I will check with our HR department to see if we have any new information. If not, can we proceed under 37 CFR 1.47 for the reissue declaration?

Thanks,
Kurt

From: David Benson [mailto:dbenson@ifllaw.com]
Sent: Thursday, December 28, 2006 3:22 PM

2/22/2007

APPENDIX I 3/4

To: Larsen, Jenny (NM75); Luther, Kurt
Subject: RE: 246-99-029RE 1246

Kurt,
We have tried to reach Ron Welch, but have not had any success. His address on the original Declaration is in Horseheads, NY, although from our file it appears a more recent address for Mr. Welch was 1544 W. Ave H-11, Lancaster, CA 93534. It appears that Mr. Welch is not at either of these addresses any longer. If you have any forwarding information for Mr. Welch, will you please let us know so we can forward the reissue declaration to him for signature?
Thank you,
David

David K. Benson
Registered Patent Attorney
Ingrassia, Fisher & Lorenz PC
7150 E. Camelback Road
Suite 325
Scottsdale, AZ 85251

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From: Cheryl Cantore
Sent: Friday, November 10, 2006 2:08 PM
To: David Benson
Subject: FW: 246-99-029RE 1246

FYI

From: Larsen, Jenny (NM75) [mailto:jenny.larsen@honeywell.com]
Sent: Friday, November 10, 2006 12:21 PM
To: Luther, Kurt; Saccomanno, Robert J.
Cc: Cheryl Cantore
Subject: RE: 246-99-029RE 1246

Unfortunately I sent a letter to Mr. West's last know address yesterday...I seemed to recall an inventor had passed away but was unable to locate any kind of email from Jim to confirm who it was so that I would trouble the family with a fex ex letter.

From: Luther, Kurt
Sent: Friday, November 10, 2006 11:45 AM
To: Saccomanno, Robert J.; Larsen, Jenny (NM75)
Cc: 'ccantore@ifllaw.com'
Subject: RE: 246-99-029RE 1246

Bob - Yes, please sign and return to Cheryl.

Cheryl - please note Bob's comments below and let us know if you have not been able to contact Ron Welch.

2/22/2007

Thanks,
Kurt

From: Saccomanno, Robert J.
Sent: Friday, November 10, 2006 10:50 AM
To: Larsen, Jenny (NM75)
Cc: Luther, Kurt; ccantore@ifllaw.com
Subject: 246-99-029RE 1246

Jenny,

I received your FED-Ex'ed letter a few minutes ago.

I believe one of the inventors, Gary West, died a year-or-so ago (according to Jim Falk, who tried to track him down several months ago).
I am unsure where Ron Welch is now; last I heard I he was applying for a gov't job at Edwards AFB in California.

Should I still sign ?

Bob

2/22/2007

[Yahoo!](#) [My Yahoo!](#) [Mail](#) [Make Y! your home page](#)[Search the Web](#)[Search](#)**YAHOO! PEOPLE SEARCH**Welcome, **dkbdog**
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Your People Search:

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city

state **California**[Yahoo! Search](#)**SPONSOR RESULTS BY INTELIUS** (What's this?)

- **Ron Welch - New Phone Number, Address and Address History Available.** Find Any Unlisted Number and Address with Age, Date of Birth, and Family Members. Search by Maiden name, Spouse Name, Phone Number or Social Security Number.
www.intelius.com

PEOPLE SEARCH RESULTS 1 - 10 out of about 13.

Name	ADVERTISEMENT	Address	Phone
Ron Welch	More Information Background Check	La Mesa, CA Add to Address Book , Map	(619) 670-6176
Ron Welch	More Information Background Check	Spring Valley, CA Add to Address Book , Map	(619) 670-6176
Ron Welch	More Information Background Check	Spring Valley, CA Add to Address Book , Map	(619) 670-6176
Ron Welch	More Information Background Check	7727 Caminito Monarca Carlsbad, CA Add to Address Book , Map	(760) 753-8773
Ron Welch	More Information Background Check	32434 Crown Valley Pkwy Dana Point, CA Add to Address Book , Map	(949) 481-7058
Ron A Welch	More Information Background Check	12355 Sunnyside Way Groveland, CA Add to Address Book , Map	(209) 962-6396
Ronald Welch	More Information Background Check	Redlands, CA Add to Address Book , Map	(909) 335-7379
Ronald E Welch	More Information Background Check	Napa, CA Add to Address Book , Map	(707) 257-1425
Ronald E Welch	More Information Background Check	Napa, CA Add to Address Book , Map	(707) 257-1425
Ronald E Welch	More Information Background Check	Newbury Park, CA Add to Address Book , Map	(805) 499-6276

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First Name

Ron

Last Name Welch

State CA

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www.intelius.com

PEOPLE SEARCH RESULTS 11 - 13 out of about 13.

Name	ADVERTISEMENT	Address	Phone
<u>Ronald E Welch</u>	More Information Background Check	Newbury Park, CA Add to Address Book , Map	(805) 499-6276
<u>Ronald J Welch</u>	More Information Background Check	539 N Mentor Ave Pasadena, CA Add to Address Book , Map	(626) 405-1406
<u>Ronald R Welch</u>	More Information Background Check	1044 Fleetwood Dr San Jose, CA Add to Address Book , Map	(408) 268-5502

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First Name

Ron

Last Name **Welch**

State **CA**

Instant Search

Search the Web: **Ron Welch, California**

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A T T E N T I O N

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- Refused by recipient.
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Recipient was not in when we attempted delivery and we were not authorized to leave shipment without a signature.
Recipient's address on your shipment was incorrect and/or incomplete and we were unable to obtain the correct address.
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Shipment held for pickup the maximum 5 days.
Unable to collect C.O.D. charges.
Shipper requested return.
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It

From: Origin ID: SCFA (480)385-5060

David K. Benson
INGRASSIA FISHER & LORENZ, PC
7150 E CAMELBACK RD
SUITE 325
SCOTTSDALE, AZ 85251



CLSR121872123

SHIP TO: (480)385-5060

BILL SENDER

Ronald F. Welch, Jr.

1544 W. Ave H-11

Lancaster, CA 93554

Ship Date: 22FEB07

ActWgt: 1 LB

System#: 5310672/INET2600

Account#: S *****

Delivery Address Bar Code



Ref # 002.2163R

Invoice #

PO #

Dept #

FedEx **PRIORITY OVERNIGHT** **FRI**

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Deliver By: 23FEB07

TRK# 7912 3845 6886

FORM 0201

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APPENDIX III

Insert
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REMOVE LABEL BEFORE DELIVERY*

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